

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: June 4, 2006

Signature: 

(Richard B. Hoffman)

Docket No.: 30071/41841
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Friedlaender, et al.

Application No.: 10/575,313

Confirmation No.: 3782

Filed: September 21, 2006

Art Unit: 1714

U. S. National Phase of PCT/EP2004/011319

International Filing Date October 9, 2004

For: PET BOTTLE RECYCLING

Examiner: Not Yet Assigned

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR 1.97, Applicant(s) hereby make of record the following additional document and information. A PTO Form SB/08 and a full copy of each of the documents required under 37 CFR 1.98(a)(2) accompany this statement.

Applicant(s) have become aware of the following document and information, and in accordance with 37 CFR 1.97(c) and (e)(1) or (b)(3), hereby submit(s) these documents for the Examiner's consideration.

More specially, in connection with the '392 (Hayward et al.) reference cited on the attached PTO Form SB/08, applicant's undersigned representative first learned of that reference, and of these certain below – listed third party assertions regarding it, in an improperly – filed Protest in the subject application (see Notice of Improper Protest, dated August 14, 2007).

Other than not admitting to and not endorsing the same, Applicants make no statement or arguments herein regarding such '392 reference, or the third party assertions

concerning the same, and instead await an Office Action dealing with same, if any, whereupon the Applicants will timely address anything raised by the Examiner, if at all.

Thus, Applicants hereby merely report verbatim that third party's assertions (regarding the '392 reference), in its asserted "Explanation of Relevance of Cited Art," as follows:

THIRD PARTY'S EXPLANATION OF RELEVANCE OF CITED ART
(NOT ADMITTED TO OR ENDORSED BY THE APPLICANTS)

Claims 1, 3, 4, 8, and 11 of the patent application by Friedlaender et al. are anticipated under 35 U.S.C. § 102 or rendered obvious under 35 U.S.C. § 103 by the following paragraphs of U.S. Pat. No. 5,899,392 to Hayward et al.:

[Col. 1, lines 49-59, emphasis added] "The critical aspect for achieving consistently high quality end products utilizing RPET is comprehensive decontamination of the RPET flakes or pellets. Significant decontamination occurs during the washing and sorting of PET scrap. The incoming PET bottles and containers are comminuted to form PET fragments and to remove loose labels, dirt, and other adhered foreign particles. Thereafter, the mixture is air classified and the remaining fragments are washed in a hot detergent solution to remove additional label fragments and adhesives from the PET fragments."

[Col. 3, lines 1-9] "By the term "RPET flakes" as it is used herein is meant generally the commercially available recycled polyethylene terephthalate materials produced by conventional PET recycling methods, usually in flake form, but which may additionally be in the form of chunks, spheres, pellets, and the like, and which are generally made available in bulk in a substantially uniform particle size from ¼ inch to about ½ inch for subsequent melt processing operations."

[Col. 3, lines 18-23] "According to the present invention, RPET flakes are comminuted by any conventional means to prepare RPET particles having an average mean particle size from about 0.005 inch to about 0.1 inch in diameter."

[Col. 3, lines 39-49] "Following comminution of the RPET flakes, the resultant RPET particles are subjected to a process designed to drive the contaminants out of the particles. As is well-known, this may be accomplished by merely air drying the RPET particles (passing a stream of a gas, preferably air, over and through the particles) at room temperature. The time

required to achieve the substantial elimination of contaminants from the RPET particles is much less than the time that otherwise would be required to achieve the same elimination of contaminants from an equal mass of RPET flakes, utilizing the same conditions.”

[Col. 4, lines 41-45] “RPET flakes are comminuted to produce four lots of RPET particles having approximately the following average mean particle sizes (diameters): 0.12 inch (RPET flakes, not comminuted); 0.0394 inch; 0.0165 inch; and 0.007 inch.” [End of the third party assertions.]

This statement is not to be interpreted as a representation that the cited documents are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any document herein be construed *per se* as a representation that such document is prior art. Moreover, Applicants understand the Examiner will make an independent evaluation of the cited documents and information.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 30071/41841.

Dated: June 4, 2008

Respectfully submitted,

By Richard B. Hoffman
Richard B. Hoffman

Registration No.: 26,910

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant